

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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DISH NETWORK LLC.

Plaintiff

- against -

Case No. 23-cv-09071

MASSIVE WIRELESS INC., Etal.

Defendants.
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***DEFENDANTS' STATEMENT
CONTROVERTING PLAINTIFF'S
MATERIAL FACTS***

Defendants MASSIVE WIRELESS INC. and KHALED AKHTER,
respectfully submit the following response to Plaintiff's Statement of
Material Facts:

1. Defendants admit that the extent of their participation in the infringing service consisted in the sale of less than 50 TV set-top boxes under the assumption that co-defendant/seller DAUD was properly to licensed to sell the items. AKTAR TR. 141 at 4-6.
2. Deny knowledge or information as to the truthfulness of the allegation.

3. Deny knowledge or information as to the truthfulness of the allegation.

4. Deny knowledge or information as to the truthfulness of the allegation.

5. Admit the statement.

6. Admit the statement.

7. Admit the statement.

8. Admit the statement.

9. Admit the statement.

10. Deny knowledge or information of the truthfulness of the allegation.

11. Deny knowledge or information of the truthfulness of the allegation.

12. Deny knowledge or information of the truthfulness of the allegation.

13. Deny knowledge or information of the truthfulness of the allegation.

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27. Deny knowledge or information of the truthfulness of the allegation.

28. Deny knowledge or information of the truthfulness of the allegation.

29. Admit the statement.

30. Deny knowledge or information of the truthfulness of the allegation.

31. Deny knowledge or information of the truthfulness of the allegation.

32. Deny knowledge or information of the truthfulness of the allegation.

33. Deny knowledge or information of the truthfulness of the allegation.

34. Deny knowledge or information of the truthfulness of the allegation.

35. Admit the statement.

36. Admit the statement.

37. Admit statement only to the extent that defendants sold a typical TV top box with one year subscription to the service which was provided to customer by co-defendant Daud. Aktar Tr. 88 at 13 – 19.

38. Denied. Aktar Tr. 61 at 7 to 62 at 8.

39. Denied. Aktar Tr. 61 at 7 to 62 at 8.

40. Admit the statement.

41. Deny the statement as to defendant Aktar. Aktar Tr. 14 at 15 to 15 at 8.

42. Admit the statement.

43. Admit the statement.

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45. Admit the statement.

46. Admit the statement.

47. Admit the statement.

48. Admit the statement.

49. Admit the statement.

50. Deny the statement as to defendant Aktar. Aktar Tr. 103 at 22
25.

51. Deny the statement as to defendant Aktar. Aktar Tr. 14 at 15 to
15 at 8.

52. Deny the statement as to defendant Aktar. Aktar Tr. 14 at 15 to
15 at 8.

53. Deny the statement as to defendant Aktar. Aktar Tr. 14 at 15 to
15 at 8.

54. Admit the statement.

55. Admit the statement.

56. Deny the statement as to defendant Aktar. Aktar Tr. 14 at 15 to 15 at 8.

57. Admit the statement.

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59. Admit the statement.

60. Admit the statement.

61. Deny the statement as to defendant Aktar. Aktar Tr. 14 at 15 to 15 at 8.

62. Deny the statement as to defendant Aktar. Aktar Tr. 14 at 15 to 15 at 8.

63. Admit the statement.

64. Admit the statement.

65. Admit the statement.

66. Deny knowledge or information of the truthfulness of the allegation.

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87. Deny knowledge or information of the truthfulness of the allegation.

88. Deny knowledge or information of the truthfulness of the allegation.

89. Admit the statement only to the extent that defendant received two letters. Aktar Tr. 146 at 16 to Tr. 159 at 7.

90. Admit the statement.

91. Admit the statement only to the extent that defendant received two letters. Aktar Tr. 146 at 16 to Tr. 159 at 7.

92. Admit the statement.

93. Admit the statement.

94. Deny knowledge or information of the truthfulness of the allegation.

95. Deny knowledge or information of the truthfulness of the allegation.

96. Deny knowledge or information of the truthfulness of the allegation.

97. Deny knowledge or information of the truthfulness of the allegation.

98. Admit the statement.

99. Admit the statement.

100. Deny knowledge or information of the truthfulness of the allegation.

101. Admit the statement.

102. Deny knowledge or information of the truthfulness of the allegation.

103. Admit the statement.

104. Deny knowledge or information of the truthfulness of the allegation.

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106. Deny knowledge or information of the truthfulness of the allegation.

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109. Deny knowledge or information of the truthfulness of the allegation.

110. Deny knowledge or information of the truthfulness of the allegation.

111. Admit the statement.

112. Admit the statement.

113. Admit the statement.

114. Admit the statement.

115. Admit the statement only to the extent that defendant Massive sold a typical TV top box with one year subscription to the service which was provided to customer by co-defendant Daud. Aktar Tr. 88 at 13 – 19.

116. Admit the statement only to the extent that defendants sold a typical TV top box with one year subscription to the service which was provided to customer by co-defendant Daud. Aktar Tr. 88 at 13 – 19.

117. Admit the statement only to the extent that defendants sold a typical TV top box with one year subscription to the service which was provided to customer by co-defendant Daud. Aktar Tr. 88 at 13 – 19.

118. Admit the statement only to the extent that defendants sold a typical TV top box with one year subscription to the service which was provided to customer by co-defendant Daud. Aktar Tr. 88 at 13 – 19.

119. Deny knowledge or information of the truthfulness of the allegation.

120. Admit the statement only to the extent that defendants sold a typical TV top box with one year subscription to the service which was provided to customer by co-defendant Daud. Aktar Tr. 88 at 13 – 19.

121. Admit the statement only to the extent that defendants sold a typical TV top box with one year subscription to the service which was provided to customer by co-defendant Daud. Aktar Tr. 88 at 13 – 19.

122. Deny knowledge or information of the truthfulness of the allegation.

Conclusion: There are numerous issues of fact and the credibility of the witnesses precluding summary determination at this time.

Dated: Astoria, New York
October 1, 2024

By: *s/Andrew Moulinos*

ANDREW MOULINOS, Esq.
23-52 31st Street
Astoria, New York 11105
(718) 545-2600
Moulinoslaw@cs.com